

HOUSE BILL 288

By Moore

AN ACT to amend Tennessee Code Annotated, Section 47-18-104 and Title 68, Chapter 15, Part 2, relative to mattresses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 47-18-104(b), is amended by deleting subdivision (41) in its entirety and substituting instead the following:

(41)

(A) Selling or offering to sell a secondhand mattress in this state, importing secondhand mattresses into this state for the purpose of resale, or offering a comfort exchange policy to a mattress buyer pursuant to the sale of the mattress, in violation of title 68, chapter 15, part 2;

(B) The provisions of subdivision (b)(41)(A) shall apply to a mattress manufacturer, wholesaler or retailer, whose sole business is the sale of mattresses. For the purposes of this subdivision (b)(41)(B), "sole business" means the sale of mattresses to the exclusion of any or all other items sold by such manufacturer, wholesaler or retailer. The provisions of subdivision (b)(41)(A) shall not apply to an institution or organization that has received a determination of exemption from the internal revenue service under 26 U.S.C. § 501(c)(3), and as described in § 67-6-348. The exemption provided in this subdivision (b)(41)(B) shall be limited to institutions or organizations that are not organized or operated for profit, and no part of the net earnings of which inures to the benefit of any private shareholder or individual;

SECTION 2. Tennessee Code Annotated, Section 68-15-208(a), is amended by adding the following language at the end of the subsection:

For the purposes of this subsection (a), "sole business" means the sale of mattresses to the exclusion of any or all other items sold by such manufacturer, wholesaler or retailer.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.